

§ 3427.3

she may appeal the decision to the appropriate State Director of the Bureau of Land Management. The surface owner shall have the right to appeal the State Director's decision to the Director, Bureau of Land Management, within 30 days of receipt of that decision. Both appeals under this paragraph shall be in writing. As an exception to the provisions of § 3000.4 of this title, the decision of the Director shall be the final administrative action of the Department of the Interior.

[44 FR 42615, July 19, 1979, as amended at 47 FR 33142, July 30, 1982; 48 FR 37656, Aug. 19, 1983]

§ 3427.3 Validation of information.

Any person submitting a written consent shall include with his filing a statement that the evidence submitted, to the best of his knowledge, represents a true, accurate, and complete statement of information regarding the consent for the area described.

§ 3427.4 Pre-existing consents.

An otherwise valid written consent given by a qualified surface owner prior to August 3, 1977, shall not be required to meet the transferability of § 3427.2(d)(1) of this title.

[47 FR 33142, July 30, 1982]

§ 3427.5 Unqualified surface owners.

(a) Lease tracts involving surface owners who are not qualified (see § 3400.0-5(gg)) shall be leased subject to the protections afforded the surface owner by the statute(s) under which the surface was patented and the coal reserved to the United States. No consent from an unqualified surface owner is required under this subpart before the authorized officer may issue a lease for such a tract (see section 9 of the Stock-Raising Homestead Act (43 U.S.C. 249); the Act of March 3, 1909 (30 U.S.C. 81); section 3 of the Act of June 22, 1910 (30 U.S.C. 85); and section 5 of the Act of June 21, 1949 (30 U.S.C. 54)).

(b) The provisions of §§ 3427.1 through 3427.4 of this title are inapplicable to any lease tract on which a consent has been given by an unqualified surface owner. The high bidder at the sale of such a tract is not required to submit any evidence of written consent before

43 CFR Ch. II (10-1-06 Edition)

the authorized officer may issue the lease unless the statute establishing the relative rights of the United States (and its lessees) and the surface owner so requires.

[47 FR 33142, July 30, 1982]

PART 3430—NONCOMPETITIVE LEASES

Subpart 3430—Preference Right Leases

Sec.

3430.0-1 Purpose.

3430.0-3 Authority.

3430.0-7 Scope.

3430.1 Preference right leases.

3430.1-1 Showing required for entitlement to a lease.

3430.1-2 Commercial quantities defined.

3430.2 Application for lease.

3430.2-1 Initial showing.

3430.2-2 Additional time.

3430.3 Planning and environment.

3430.3-1 Land use planning.

3430.3-2 Environmental analysis.

3430.4 Final showing.

3430.4-1 Request for final showing.

3430.4-2 Additional information.

3430.4-3 Costing document and public review.

3430.4-4 Environmental costs.

3430.5 Determination of entitlement to lease.

3430.5-1 Rejection of application.

3430.5-2 Appeals, lack of showing.

3430.5-3 Determination to lease.

3430.5-4 Lease exchange.

3430.6 Lease issuance.

3430.6-1 Lease terms.

3430.6-2 Bonding.

3430.6-3 Duration of leases.

3430.7 Trespass.

Subpart 3431—Negotiated Sales: Rights-of-Way

3431.0-1 Purpose.

3431.0-3 Authority.

3431.1 Qualified purchaser.

3431.2 Terms and conditions of sale.

Subpart 3432—Lease Modifications

3432.0-3 Authority.

3432.1 Application.

3432.2 Availability.

3432.3 Terms and conditions.

Subpart 3435—Lease Exchange

3435.0-1 Purpose.

3435.0-3 Authority.

3435.1 Coal lease exchanges.

3435.2 Qualified exchange proponents: Limitations.